UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEBBY YEGER,

Plaintiff,

-against-

THE INSTITUTE OF CULINARY EDUCATION, INC.,

Defendant.

---X

1:14-CV-8202 (LTS)

DEFENDANT'S NOTICE OF MOTION FOR SUMMARY JUDGMENT PURSUANT TO FED. R. Civ. P. 56(a)

PLEASE TAKE NOTICE, that at a date and time to be set by the Court, before the Honorable Laura Taylor Swain, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, NY 10007-1312, Defendant The Institute Of Culinary Education ("Defendant"), by and through its attorneys Jackson Lewis P.C., will move the Court pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, Rule 56.1 of the Local Rules for the United States District Courts for the Southern and Eastern Districts of New York, and Judge Laura Taylor Swain's Individual Practice Rules, for an Order granting Defendant summary judgment dismissing Plaintiff's First Amended Complaint (and any other operative Complaint) in its entirety and with prejudice as a matter of law, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that in support of its motion, Defendant will rely on the enclosed: (1) Local Rule 56.1 Statement Of Material Facts Not In Dispute; (2) Affidavits of Scott T. Baken, Esq., Matthew Petersen, Brian Aronowitz, Martha Padilla

Mercedes and Vincent Tunstall, and the Exhibits attached thereto; and (3) Memorandum Of Law In Support Of Defendant's Motion For Summary Judgment.

DEFENDANT HEREBY CERTIFIES, that the parties have complied with their consultation obligations under Paragraph A(2)(b) of the Judge Laura Taylor Swain's Individual Practice Rules before the filing of this motion. On October 22, 2015, defense counsel emailed a letter to Plaintiff's counsel advising Plaintiff's counsel of Defendant's intent to move for summary judgment seeking the dismissal of Plaintiff's First Amended Complaint in its entirety and requesting Plaintiff to voluntarily withdraw her First Amended Complaint. On October 30, 2015, Plaintiff's counsel emailed a letter to defense counsel advising defense counsel that Plaintiff declined to voluntarily withdraw her First Amended Complaint. On October 29, 2015 and November 3, 2015, counsel for the parties participated in two telephone conversations to discuss Defendant's proposed summary judgment motion.

Respectfully submitted,

JACKSON LEWIS P.C.
44 South Broadway, 14th Floor
White Plains, NY 10601
(914) 872-8060
(914) 946-1216 Facsimile

By: ______________________________
Scott T. Baken
Isaac J. Burker

ATTORNEYS FOR DEFENDANT

Dated: November 4, 2015
White Plains, New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

---X

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Plaintiff,

-against-

THE INSTITUTE OF CULINARY EDUCATION, INC.,

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CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2015, a true and correct copy of the foregoing Defendant's Notice Of Motion For Summary Judgment Pursuant To Fed. R. Civ. P. 56(a) has been served via ECF and FedEx overnight mail on Plaintiff's counsel of record at the address set forth below:

James W. Halter, Esq.
LIDDLE & ROBINSON, L.L.P.
800 Third Avenue, 8th Floor
New York, New York 10022
Attorneys for Plaintiff

Lauren Hanson